

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

AUG 27 2014

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

vs.

SALVADOR SANMIGUEL

§  
§  
§  
§  
§

CRIMINAL NO.

H 14 - 412

CRIMINAL INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this Indictment:

1. The term "minor" is defined, pursuant to Title 18, United States Code, Section 2256(1), as "any person under the age of eighteen years."

2. The term "sexually explicit conduct" is defined, pursuant to Title 18, United States Code, Section 2256(2), as any:

"actual or simulated -

- (i) sexual intercourse, including genital [to] genital, oral [to] genital, anal [to] genital, or oral [to] anal, whether between persons of the same or opposite sex; [or]
- (ii) bestiality; [or]
- (iii) masturbation; [or]
- (iv) sadistic or masochistic abuse; or
- (v) [the] lascivious exhibition of the genitals or pubic area of any person."

3. The term "computer" is defined, pursuant to Title 18, United States Code, Sections 2256(6) and

1030(e)(1), as any:

"electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device, but such term does not include an automated typewriter or typesetter, a portable hand held calculator or other similar device."

4. The term "visual depiction" is defined, pursuant to Title 18, United States Code, Section 2256(5), as including, but is not limited to, any:

"undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image."

5. The term "producing", for purposes of this Indictment, is defined, pursuant to Title 18, United States Code, Section 2256(3) and case law, as:

"producing, directing, manufacturing, issuing, publishing or advertising" and includes downloading images from another source, by using materials, including a computer or parts thereof.

**COUNT ONE**  
**(Distribution of Child Pornography)**

On or about January 14, 2014 through January 21, 2014, within the Southern District of Texas and elsewhere,

**SALVADOR SANMIGUEL,**

Defendant herein, did knowingly distribute material that contained child pornography using any means and facility of interstate and foreign commerce.

**In violation of Title 18, United States Code, Section 2252A(a)(2)(B) and Section 2252A(b)(1).**

**COUNT TWO**  
**(Possession of Child Pornography)**

On or about February 28, 2014, within the Southern District of Texas,

**SALVADOR SANMIGUEL,**

Defendant herein, did knowingly possess computers and other computer media that contained multiple images of child pornography, which had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer, or which were produced using materials which have been mailed, shipped, and transported in and affecting interstate and foreign commerce, by any means, including by computer; more specifically, the defendant possessed one Hewlett Packard Pavilion laptop computer containing a Seagate hard drive, containing video and still images of child pornography.

**All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B), 2252A(b)(2) and 2256(8)(A).**

**NOTICE OF FORFEITURE**  
**18 U.S.C. § 2253(a)**

Pursuant to Title 18, United States Code, Section 2253(a)(2) and (a)(3), the United States gives the defendant notice that in the event of conviction for any/all of the offenses charged in Counts One through Two of the Indictment, the United States will seek to forfeit all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from the offenses charged in Counts One through Two; and all property, real and personal, used or intended to be used to commit or to promote the commission of the offenses charged in Counts One through Two, or any

property traceable to such property, including, but not limited to, the following:

One Hewlett Packard Pavilion laptop computer, serial number CNF9261Z41,

One Seagate 320 GB hard drive, serial number 5VD0K0S5.

A True Bill. *ms*

*/* Original signature on File  
Grand Jury Foreperson

KENNETH MAGIDSON  
United States Attorney,

By:

*Sherri L. Zack*  
Sherri L. Zack  
Assistant United States Attorney  
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